

Assembly Bill No. 1703

Passed the Assembly April 7, 2016

Chief Clerk of the Assembly

Passed the Senate June 30, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 4011.5 of the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1703, Santiago. Inmates: medical treatment.

Existing law authorizes a court, when an inmate requires medical or surgical treatment necessitating hospitalization that cannot be furnished at the jail, to order the removal of the inmate to a hospital, as specified. Existing law authorizes a sheriff or jailer who determines that a prisoner in a city or county jail under his or her charge is in need of immediate medical or hospital care, and that the health and welfare of the prisoner will be injuriously affected unless the prisoner is forthwith removed to a hospital, to authorize the immediate removal of the prisoner under guard to a hospital, without first obtaining a court order.

This bill would specify that “immediate medical or hospital care” includes, but is not limited to, critical specialty medical procedures or treatment, such as dialysis, which cannot be furnished, performed, or supplied at a city or county jail.

The people of the State of California do enact as follows:

SECTION 1. Section 4011.5 of the Penal Code is amended to read:

4011.5. (a) If a sheriff or jailer determines that a prisoner in a county jail or a city jail under his or her charge is in need of immediate medical or hospital care, and that the health and welfare of the prisoner will be injuriously affected unless the prisoner is forthwith removed to a hospital, the sheriff or jailer may authorize the immediate removal of the prisoner under guard to a hospital, without first obtaining a court order as provided in Section 4011. If the condition of the prisoner prevents his or her return to the jail within 48 hours from the time of his or her removal, the sheriff or jailer shall apply to a judge of the superior court for an order authorizing the continued absence of the prisoner from the jail in the manner provided in Section 4011. The provisions of Section

4011 governing the cost of medical and hospital care of prisoners and the liability for those costs shall apply to the cost of, and the liability for, medical or hospital care of prisoners removed from jail pursuant to this section.

(b) For purposes of this section, “immediate medical or hospital care” includes, but is not limited to, critical specialty medical procedures or treatment, such as dialysis, which cannot be furnished, performed, or supplied at a county jail or city jail.

Approved _____, 2016

Governor